

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

1 Valuation of Security **0** Assumption of Executory Contract or Unexpired Lease **1** Lien Avoidance

Last Revised September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE:

Case No. **3:17-bk-28392**

Judge _____

Kesil, Jennifer

Debtor(s)

AMENDED CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: **September 20, 2018**

☒ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: **MCC**

Initial Debtor: **JK**

Initial Co-Debtor:

Part 1: Payment and Length of Plan

- a. The debtor has paid **\$6,680.00** to date and then shall pay \$ **670.00** per month to the Chapter 13 Trustee, starting on **10/01/2018** for approximately 48 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
☐ Sale of real property
 Description:
 Proposed date for completion: _____
☐ Refinance of real property
 Description:
 Proposed date for completion: _____
☐ Loan modification with respect to mortgage encumbering property
 Description:
 Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of \$ **None** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Capone & Keefe, PC	Administrative Expense	2,245.00
Internal Revenue Service	Taxes	11,449.40
State of NJ- Div of Taxation	Taxes	3,030.23

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
None			

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: [X]NONE

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: [X] NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
None					

c. Secured claims excluded from 11 U.S.C. 506: [X] NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
None				

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments [] NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Robert Grossman, M.D.	840 Marbro Ave, Brick, NJ 08724-2131	16,639.70	227,311.00	227,311.00	0.00	0.00%	0.00
Internal	840 Marbro Ave,	48,840.00	231,142.83	227,311.00	7,494.83	0.00%	7,494.83

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Revenue Service	Brick, NJ 08724-2131 & Furniture and appliances & TVs and computer & 2012 Cervelo P2 & Clothing & TD Bank - Chec			0			
Santander Consumer USA	2010 Honda Civic	9,716.00	7,750.00	0.00	7,750.00	4.75%	8,722.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender [X] NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
None			

f. Secured Claims Unaffected by the Plan [] NONE

The following secured claims are unaffected by the Plan:

Quicken Loans

g. Secured Claims to Be Paid in Full Through the Plan [X] NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
None		

Part 5: Unsecured Claims [] NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

Not less than \$ _____ to be distributed *pro rata*
X Not less than **0.00** percent
 _____ *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
None			

Part 6: Executory Contracts and Unexpired Leases [X] NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be	Nature of Contract or	Treatment by Debtor	Post-Petition Payment

	Cured in Plan	Lease		
None				

Part 7: Motions [] NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). [] NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
None							

b. Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured. [] NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Total Amount of Lien to be Reclassified
Robert Grossman, M.D.	840 Marbro Ave, Brick, NJ 08724-2131	16,639.70	227,311.00	227,311.00	0.00	0.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. [] NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Internal Revenue Service	840 Marbro Ave, Brick, NJ 08724-2131 & Furniture and appliances & TVs and computer & 2012 Cervelo P2 & Clothing & TD Bank - Chec	48,840.00	231,142.83	7,494.83	41,345.17
Santander Consumer USA	2010 Honda Civic	9,716.00	7,750.00	7,750.00**plus interest at 4.75% for a total of \$8,722.00	1,966.00

Part 8: Other Plan Provisions**a. Vesting of Property of the Estate**

☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) **Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-petition claims The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 10/19/2017

Explain below why the Plan is being modified.	Explain below how the Plan is being modified.
Debtor received a Loan Modification.	To remove loan modification provisions from plan.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: September 25, 2018

/s/ Jennifer Kesil

Debtor

Date: **September 25, 2018**

Joint Debtor

Date: **September 25, 2018**

/s/ Marc Capone

Attorney for the Debtor(s)

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 United States Bankruptcy Court
 District of New Jersey

In re:
 Jennifer Kesil
 Debtor

Case No. 17-28392-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 40

Date Rcvd: Oct 02, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 04, 2018.

db Jennifer Kesil, 840 Marbro Ave, Brick, NJ 08724-2131
 cr +Anthony DeGennaro, MD, 370 Highway 35, Suite 100, Red Bank, NJ 07701-5922
 cr +Quicken Loans Inc., Stern Eisenberg, PC, 1040 N. Kings Highway, Suite 407,
 Cherry Hill, NJ 08034-1925
 517155925 +Anthony DeGennaro, Att: Collins Vella Casello, 2317 Highway 34 Suite 1A,
 Manasquan, NJ 08736-1443
 517152248 +Anthony DeGennaro, M.D., 370 State Highway 35, Suite 100, Red Bank, NJ 07701-5922
 517059662 Attorney General, US Dept. of Justice Ben Franklin Station, PO Box 683,
 Washington, DC 20044-0683
 517059663 Chase Card Services, Attn: Correspondence, PO Box 15278, Wilmington, DE 19850-5278
 517519340 ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
 517519341 ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408, ECMC, PO BOX 16408,
 ST. PAUL, MN 55116-0408
 517059665 Flagship Condominium Association, 60 N Maine Ave, Atlantic City, NJ 08401-5518
 517059667 KML Law Group, 316 Haddon Ave Ste 406, Westmont, NJ 08108-1235
 517066156 Navient Solutions, LLC on behalf of USA Funds, Attn: Bankruptcy Litigation Unit E3149,
 PO Box 9430, Wilkes Barre, PA 18773-9430
 517059668 New Jersey Attorney General Office, Richard Hughes Justice Complex, 25 Market St,
 Trenton, NJ 08611-2148
 517059669 +P H E A A/HCB, Attn: Bankruptcy, 1200 N 7th St Fl 3, Harrisburg, PA 17102-1444
 517094348 +PHEAA, PO Box 8147, Harrisburg PA 17105-8147
 517059670 Penn Credit, Attn:Bankruptcy, PO Box 988, Harrisburg, PA 17108-0988
 517059671 Penn Credit, PO Box 1259, Oaks, PA 19456-1259
 517059672 #Penn Credit Corporation, 916 S 14th St, Harrisburg, PA 17104-3425
 517059673 PheAA, PO Box 61047, Harrisburg, PA 17106-1047
 517059674 Pioneer Credit, 26 Edward St, Arcade, NY 14009-1012
 517059675 Professional Assistance of NJ, 742 Alexander Rd Ste 105, Princeton, NJ 08540-6327
 517059677 Robert Grossman, M.D., 1131 Broad St, Shrewsbury, NJ 07702-4329
 517098770 +SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284
 517229192 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Department of Treasury,
 Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)
 517059678 Santander Consumer USA, PO Box 961245, Fort Worth, TX 76161-0244
 517059679 +State of NJ- Div of Taxation, PO Box 046, Trenton, NJ 08601-0046
 517350924 US Department of Education, P.O. Box 16448, St. Paul, MN 55116-0448
 517059680 US Dept Ed, ECMC/Bankruptcy, PO Box 16408, Saint Paul, MN 55116-0408
 517059681 US Dept of Education, PO Box 5609, Greenville, TX 75403-5609
 517059682 USA Funds/Sallie Mae Servicing, CBE Group, PO Box 900, Waterloo, IA 50704-0900
 517542775 +United Student Aid Funds, Inc (USAF), PO Box 8961, Madison WI 53708-8961

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 02 2018 23:38:16 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Oct 02 2018 23:38:13 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517059659 E-mail/Text: seinhorn@ars-llc.biz Oct 02 2018 23:38:55 Ability Recovery Service,
 1 Montage Mountain Rd Ste A, Moosic, PA 18507-1777
 517059661 E-mail/Text: seinhorn@ars-llc.biz Oct 02 2018 23:38:56 Ability Recovery Services,
 PO Box 4031, Wyoming, PA 18644-0031
 517059660 E-mail/Text: seinhorn@ars-llc.biz Oct 02 2018 23:38:56 Ability Recovery Services,
 PO Box 4262, Scranton, PA 18505-6262
 517059664 E-mail/Text: mrdiscen@discover.com Oct 02 2018 23:37:06 Discover, PO Box 15316,
 Wilmington, DE 19850-5316
 517059666 E-mail/Text: cio.bncmail@irs.gov Oct 02 2018 23:37:31 Internal Revenue Service,
 PO Box 7346, Philadelphia, PA 19101-7346
 517144421 +E-mail/Text: bankruptcyteam@quickenloans.com Oct 02 2018 23:38:34 Quicken Loans Inc.,
 635 Woodward Avenue, Detroit, MI 48226-3408
 517059676 E-mail/Text: bankruptcyteam@quickenloans.com Oct 02 2018 23:38:34 Quickn Loans,
 1050 Woodward Ave, Detroit, MI 48226-1906

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517100287* +PHEAA, POB 8147, Harrisburg, PA 17105-8147

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 40

Date Rcvd: Oct 02, 2018

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 04, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 28, 2018 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Joseph Casello on behalf of Creditor Anthony DeGennaro, MD jcasello@cvclaw.net,
jcasello627@gmail.com
Marc C. Capone on behalf of Debtor Jennifer Kesil mcapone@caponeandkeefe.com,
docs@caponeandkeefe.com
Rebecca Ann Solarz on behalf of Creditor Quicken Loans Inc. rsolarz@kmlawgroup.com
Steven P. Kelly on behalf of Creditor Quicken Loans Inc. skelly@sterneisenberg.com,
bkecf@sterneisenberg.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7